

1 IN RE: STERICYCLE, INC., No. 1:13-cv-5795
2 STERI-SAFE CONTRACT LITIGATION MDL No. 2455

3
4 MEMORANDUM OPINION AND ORDER
5

6 On October 26th, 2017 this Court issued its
7 Preliminary Approval Order ("Preliminary Approval") granting
8 an Unopposed Motion for Preliminary Approval of Class
9 Settlement and Approval of Notice Plan, which had in turn
10 been identical in substance to the Preliminary Approval
11 itself. On that same October 26 date this Court granted
12 preliminary approval of a settlement, calling for payment of
13 \$295 million in the Settlement Agreement that accompanied the
14 other documents referred to there.

15 This memorandum opinion and order carries those
16 documents forward in accordance with those same principles
17 and their originally-set timetable. In important part those
18 principles and timetable allow each Class Member to reject
19 class action membership on or before January 22, 2018, in
20 which event that Class Member will be an "Opt-Out"
21 participant. To qualify for such "Opt-Out status," any Class
22 Member can exercise that judgment independently.

23 If the effect of any Class Member's objection to
24 the present Preliminary Approval is to prevent its
25 qualification as a final Approval Order, the terms of the

1 Preliminary Approval as to the February 23, 2018 Fairness
2 Hearing specified in the Preliminary Approval shall apply.
3 But for any payment of Class Member benefits to any Class
4 Member to render that party an "Opt-Out," that Class Member
5 (a) must couple its putative Opt-Out status with a
6 representation that it has received no part of any financial
7 benefit in conjunction with any individual claim in this
8 Steri-Safe Contract Litigation, or (b) if it cannot make such
9 a representation, it must return such financial benefit to
10 the Class Members' pool of funds to be used for distribution
11 to Class Members other than Opt-Outs in accordance with the
12 terms of the Fairness Hearing.

13 One additional - and critical - matter must be
14 added to this memorandum opinion and order. Under the terms
15 of Preliminary Approval ¶ 38 the Opt-Out and objection
16 deadlines are both set for January 22, 2018, with a very
17 brief period - until February 12 - thus designated as this
18 Court's deadline for the Motion For Final Approval and
19 Response to Objections. For that schedule to have any
20 realistic prospect for compliance, it is essential that a
21 counterpart of every Opt-Out claim and of every court-filed
22 objection to the final Approval Plan must be emailed to
23 bredflame@ameritech.net contemporaneously with its in-court
24 filing.

